

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
DIVISION

RECEIVED

Christine R. Bennett
1036 County Road 154
New Brockton, AL 36351
Plaintiff

2006 AUG 11 P 12:38

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

v.
Army Fleet Support, LLC
P.O. Box 620309
F. Rucker, AL 36362
Defendant(s)

1: 06CV723-M
H
T

COMPLAINT

1. Plaintiff resides at 1036 County Road 154 New Brockton, AL 36351
2. Defendant(s)' name(s) Army Fleet Support, LLC

Location of principal office(s) of the named defendant(s) Donnell Shopping Center
Daleville, AL

Nature of defendant(s)' business Government Contractor

Approximate number of individuals employed by defendant(s) 3,000 plus

3. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is specifically conferred on the Court by 42 U.S.C. § 2000e-5. Equitable and other relief are also sought under 42 U.S.C. § 2000e-5(g).
4. The acts complained of in this suit concern:
 1. ☐ Failure to employ me.
 2. ☐ Termination of my employment.
 3. ☐ Failure to promote me.
 4. ☒ Other acts as specified below: See attached information

5. Plaintiff is:

A. ☒ Presently employed by the defendant.
☐ Not presently employed by the defendant. The dates of employment were _____ . Employment was terminated because:

- (1) _____ Plaintiff was discharged.
(2) _____ Plaintiff was laid off.
(3) _____ Plaintiff left job voluntarily.

6. Defendant(s)' conduct is discriminatory with respect to the following:

- A. _____ My race.
B. _____ My religion.
C. ☒ My sex.
D. _____ My national origin.
E. ☒ Other, as specified below: Disability and Disparate

Treatment.

7. The name(s), race, sex, and the position or title of the individual(s) who allegedly discriminated against me during the period of my employment with the defendant company is (are) Army Fleet Support, LLC

8. The alleged discrimination occurred on or about 12/01/2003 - Continuing Action

9. The nature of my complaint, i.e., the manner in which the individual(s) named above discriminated against me in terms of the conditions of my employment, is as follows: See
attached information

10. The alleged illegal activity took place at See attached information

11. I filed charges with the Equal Employment Opportunity Commission regarding defendant(s)' alleged discriminatory conduct on or about May 29, 2006. I have attached a copy of the Notice-of-Right-to-Sue letter issued by the Equal Employment Opportunity Commission. This letter was received by me on May 15, 2006

12. I seek the following relief:

- A. ☒ Recovery of back pay.
B. ☒ Reinstatement to my former job,
and any other relief as may be appropriate, including injunctive orders, damages, costs, and attorney's fees.

Date: 11 Aug 06

Christine Bennett
Signature of Plaintiff
1036 County Road 154
New Brockton, AL 36351
334-894-5481
Address & Telephone Number of Plaintiff

CHARGE OF DISCRIMINATION

AGENCY

CHARGE NUMBER

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

☐ FEPA
☒ EEOC

Please also file with other appropriate agencies.

and EEOC

State or local Agency, if any

NAME(Indicate Mr., Ms., Mrs.)

CHRISTINE R. BENNETT

HOME TELEPHONE (Include Area Code)

(334) 894-5481

STREET ADDRESS

CITY, STATE AND ZIP CODE

1036 CO. RD. 154

NEW BROCKTON, AL 36351

DATE OF BIRTH

07/23/1968

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

Army Fleet Support, LLC

NUMBER OF EMPLOYEES, MEMBERS

3,000 plus

TELEPHONE (Include Area Code)

(334) 598-0401

STREET ADDRESS

CITY, STATE AND ZIP CODE

P.O. Box 620309

Fort Rucker, AL 36362

COUNTY

Dale

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☐ RETALIATION ☐ AGE ☒ DISABILITY ☒ OTHER (Specify)

Disparate Treatment

DATE DISCRIMINATION TOOK PLACE EARLIEST

12/01/2003

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I was employed as an Armament, Avionics, Electrical, and Instrument Technician on Government Contract DAAH-23-03-C-0345. My on-the-job injury occurred on March 20, 2002. At this time Dyncorp was the Government Contractor. Army Fleet Support, LLC, was awarded the contract as of December 1, 2003. Since December 1, 2003, and continuing through this date, Army Fleet Support, LLC, has refused to accommodate my disability in my job classification while accommodating similarly situated male employees.

I have seniority on over 120 Armament, Avionics, Electrical, and Instrument Technicians currently working on the job at Ft. Rucker, Alabama (Exhibit 1). I am including a copy of my restrictions (Exhibit 2) and Medical Pass (Exhibit 3) from Keith Granger, M.D. I can perform the Essential Duties and Responsibilities of my job description with reasonable accommodations as has been provided for male employees by Army Fleet Support, LLC. I am enclosing a copy of my job description (Exhibit 4).

Please also see the Army Fleet Support, LLC, EEO statement (Exhibit 5) and the Army Fleet Support, LLC, Affirmative Action Commitment (Exhibit 6).

Exhibit 7 is a copy of a letter mailed to Army Fleet Support, LLC General Manager Thomas A. Green, by my attorneys on June 28, 2005. As of this date Army Fleet Support, LLC, has not responded to this letter.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

*Christine Bennett

I declare under penalty of perjury that the foregoing is true and correct.

*Christine Bennett

Date 07/29/2005

Charging Party (Signature)

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Day, month, and year)

DISMISSAL AND NOTICE OF RIGHTS

To: **Christine Bennett**
1036 County Road 154
New Brockton, Alabama 36351

From: **Birmingham District Office**
Ridge Park Place
1130 22nd Street South
Suite 2000
Birmingham, Alabama 35205

Rec: 05/15/2006

☐ On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR § 1601.7(a))

EEOC Charge No.	EEOC Representative	Telephone No.
130-2005-05829	Kevan J. Jackson, Investigator	(205) 212-2128

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability as defined by the Americans with Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.
- ☐ Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- ☐ While reasonable efforts were made to locate you, we were not able to do so.
- ☐ You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.
- ☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this Notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Bernice B. Hinton for
 Bernice Williams-Kimbrough, District Director

5/19/06
 (Date Mailed)

Enclosure(s)

cc: **Wilmer Tharpe**
Attorney At Law
P.O. Box 311506
Enterprise, Alabama 36331

Darlene Whelan
Director, Human Resources
Army Fleet Support
P.O. Box 620309
Fort Rucker, AL 36362-0309